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Box 502

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-284-E)

In the Application of:

	Costa et al.	)	Before the Examiner:
Serial No.	10/809,144	)	
Filing Date:	March 25, 2004	)	Group Art Unit: 1642
For:	Methods of Inhibiting Tumor Cell Proliferation	)	Confirmation No.: 7397

**TRANSMITTAL LETTER**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

In regard to the above-identified application:

1. We are transmitting herewith the attached
  - a. Response to Notice to File Missing Parts of Nonprovisional Application
  - b. Copy of the Notice to File Missing Parts
  - c. Executed copy of Oath or Declaration (7 pages)
  - d. Statement under 37 CFR 1.821
  - e. Paper and computer-readable copies of the sequence listing
  - f. Return Receipt Postcard
2. With respect to additional fees:
  - a. An additional fee of \$65.00 is required. Please charge the amount of \$65.00 plus any deficiency in the amount due, or credit any overpayment, to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.
5. **CERTIFICATE OF MAILING UNDER 37 CFR § 1.8:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as "First Class Mail" in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this \_\_\_\_\_ day of **October, 2004**.

By:

Kevin E. Noonan  
Reg. No. 35,303



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 03-284-E)

In the Application of:	)	
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Costa et al.	)	Before the Examiner:
	)	
Serial No.	)	
10/809,144	)	Group Art Unit: 1642
	)	
Filing Date:	)	
March 25, 2004	)	
	)	
For: Methods of Inhibiting Tumor Cell Proliferation	)	Confirmation No.: 7397

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION MAILED AUGUST 11, 2004**

Mail Stop MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application mailed August 11, 2004, Applicants submit herewith an executed copy of their Declaration, pursuant to 37 C.F.R. 1.63. Also enclosed are paper and computer-readable copies of the Sequence Listing, in compliance with the requirements of 37 CFR 1.821 – 1.825.

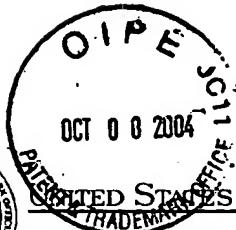
Please charge **Deposit Account 13-2490** in the amount of \$65.00, in payment of the surcharge for late filing fee or oath or declaration.

Respectfully submitted,  
**McDonnell Boehnen Hulbert & Berghoff LLP**

Date: October \_\_\_\_\_, 2004

By: \_\_\_\_\_

Kevin E. Noonan  
Reg. No. 35,303



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/809,144	03/25/2004	Robert Costa	MBHB 03-284-E

CONFIRMATION NO. 7397

## FORMALITIES LETTER



\*OC000000013501184\*

Jason J. Derry  
 McDonnell Boehnen Hulbert & Berghoff LLP  
 300 S. Wacker Drive  
 Chicago, IL 60606

Date Mailed: 08/11/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/12/2004 HALI11 00000035 132490 10809144

01 FC:2051 65.00 DA

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

**SUMMARY OF FEES DUE:**

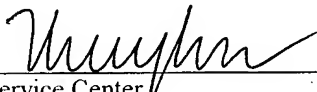
Total additional fee(s) required for this application is **\$65** for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE